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Washington justices: OK to make teen apologize to classmate

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By GENE JOHNSON Associated Press
The Olympian

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The 17-year-old boy challenged the judge's order as a violation of his free-speech rights, and in a 6-3 decision issued Thursday, the court agreed that compelled speech normally does violate the U.S. Constitution. However, the majority said convictions entail some loss of liberty, and the forced apology would further his rehabilitation.

"A letter of apology demonstrates a recognition and acceptance of responsibility for harmful actions," Justice Charles Johnson wrote in the majority opinion. "Such a condition is reasonably necessary for (the defendant) to recognize what he did was wrong and to acknowledge his behavior."

It was the first time the Washington Supreme Court has ruled on whether a juvenile defendant can be ordered to write an apology.

The dissent, written by Justice Sheryl Gordon McCloud, noted that the boy maintained his innocence even after his conviction, and said forcing him to apologize went too far. Under the majority's reasoning, she argued, "the Alabama court could have ordered Dr. Martin Luther King, Jr., to write an apology to the state of Alabama rather than his 'Letter from Birmingham Jail.'"

She said that in the boy's case, the judge could have ordered him to write an essay about the lifelong effects rape has on young victims, rather than compelling a certain message.

"It is one thing to provide education that tends to inspire a specific belief; it is another to shortcut this effort altogether with the substitution of a compulsory statement," she wrote, citing U.S. Supreme Court precedent.

The boy was convicted of fourth-degree assault with sexual motivation, and he was sentenced to three months of community supervision in addition to the letter. Prosecutors said he was in the bedroom of a female classmate when he forced himself on her, bit her neck and groped her after she told him to stop. He left the house only when she threatened to call her father; a friend of the girl told a school official about the matter.

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